

## VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

APR 2 2-2019

Jeffrey Feahr

Jackson, MI 49203

RE: MUR 7520

Dear Mr. Feahr:

The Federal Election Commission reviewed the allegations in your complaint received on October 19, 2018. On April 18, 2019, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Gretchen Driskell for Congress and Jennifer Fairfield in her official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 18, 2018. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's, dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson

Acting General Counsel

BY:

Jeff(S/Jordan

Assistant General Counsel

Enclosure

General Counsel's Report

## BEFORE THE FEDERAL ELECTION COMMISSION

## ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT

MUR: 7520 Respondents: Gretchen Driskell for Congress

and Jennifer Fairfield, as

Complaint Receipt Date: October 19, 2018 Treasurer ("the Committee")

Response Date: January 29, 2019

**EPS Rating:** 

Alleged Statutory Regulatory Violations: 52 U.S.C. § 30104(b)(4) 11 C.F.R. § 104.3(b)(2)

The Complaint alleges that the Committee failed to report any expenditures for a fundraiser held on May 28, 2015.<sup>2</sup> The Response, submitted by the Committee's campaign manager, states that the Committee incurred no expenses for the event because there were no attendees, no food costs, and no required rental or deposit costs for the venue.<sup>3</sup>

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the

Driskell was a 2018 candidate for the U.S. House of Representatives in Michigan's Seventh District. Gretchen Driskell for Congress is her principal campaign committee.

<sup>&</sup>lt;sup>2</sup> Compl. at 1 (October 19, 2018).

<sup>&</sup>lt;sup>3</sup> Resp. at 1 (January 29, 2019).

EPS Dismissal Report—MUR 7520 (Gretchen Driskell for Congress, et al.) Page 2 of 2

apparent lack of any expenditures associated with the planned event, which were required to be reported by the Committee, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

	4/9/2019		
Date		 <del></del>	

BY:

Charles Kitcher
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